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A Memorandum issued by the
National Missionary Council of Australia
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The National Missionary Council of Australia believes that the application of its General Policy on Aborigines and the Supplement to it, The Meaning of Assimilation, raise four major issues in regard to the policy of assimilation which require urgent consideration.

Land.

The problem of the Aborigines is more than a social, cultural, and religious one. There is a land problem. They were dispossessed of almost all their lands by the white population. The only land now available to them is the reserves which are Crown lands to which they have no title. The last 20 years have shown how vulnerable these areas are either to military and scientific requirement (as in the case of the Central Reserve and the Woomera Rocket Range) or economic development (as in the case of Weipa, Yirrkala, etc.) A landless people is a rootless people. A rootless people tends to become an indigent people.

They have their right to seek work, education, professional training, and suburban residence in the cities, and so to continue the process of general assimilation; but they also have a basic right to land or to compensation for the loss of land. In either case they are entitled to an adequate measure of the economic resources of which their forebears were deprived. It must never be forgotten that, for the most part, Australia was taken from the Aborigines by force without payment or compensation, or recognition of their inherent title to the land.

Therefore there rests upon the white people and their governments the moral responsibility to set right in some measure the wrong that was done. That might be achieved in, at least, such ways as the following:

Firstly, by guaranteeing to tribal reserves as the rightful heritage of certain tribes. Any development of the land by others for commercial or other purposes would be on a basis of prior consultation and would result in direct economic participation or benefit by the Aborigines concerned, or adequate compensation in the case of alienation.

Secondly, by the granting of economic assistance by Federal and State Governments for the purchase of land by families, groups or tribes, or for the establishment of industries under appropriate conditions; and this, not as an act of generosity, but as the discharge of an obligation.

Thirdly, by the development of schemes of land settlement under Federal and State Governments, with appropriate agricultural training.

Such action should mean the setting up of a National Aborigines Capital Fund, administered by a Grants Commission empowered by the Federal Government to make grants to recognized corporate groups of Aborigines and individual Aborigines.

The action of the Federal Government in levying double royalties when granting mining rights in Arnhem Land and in setting up a trust fund into which they are to be paid for the benefit of the Aborigines concerned is to be commended as marking official recognition that Aborigines have a right springing from their prior occupation of the land.

Assimilation will never take place except for a new deal which will transform the relationship between the races to one of equal rights and responsibilities and will make the new relationship one that is economically viable for the Aborigines. Otherwise the number of "hopeless" fringe-dwellers will increase. The Aborigines in most areas are no longer a dying race. Australia is not faced with a comparatively short-term task of completely absorbing the remnants of a dying minority, but of providing an adequate place within the national community for a growing group.

Language.

Language is a vehicle of culture. The right to preserve one's language, culture and customs must be as open to Aborigines as it is to Italians, Latvians or Welshmen. The policy of assimilation must be so interpreted as to encourage the preservation and development of Aboriginal languages and the cultures they express. Experience has shown that Aboriginal children who are taught in their own language in the first year at school, becoming at the same time bilingual with English, achieve much better results than where English only is permitted from the beginning. This respect for Aboriginal languages and culture assists the process of assimilation. At the same time, the obligation to participate willingly and loyally as members of an English-speaking community must be accepted on the part of the Aborigines as by other ethnic groups.

Law.

Law is an expression of the interaction of the beliefs, customs, group pressures and relationships of a people as they have been moulded in the course of time. It is, therefore, precisely at this point that conflict arises between social groups with different cultural backgrounds. If assimilation is to be a policy which develops constructive relationships, there needs to be careful attention to the points at which tribal law conflicts with Commonwealth and State law.
Such attention should both increase awareness of the differences and also lead to positive adjustments between them. In particular, there needs to be sensitiveness to the significance of Aboriginal marriage laws, especially in cases of tribal murders arising from them, and to property and inheritance laws with respect both to land and chattels. There need to be adequate means by which alleged tribal customs and recent usages can be distinguished from genuinely traditional ones.

Language impinges directly on law, as justice cannot be done if a language barrier inhibits the discovery and understanding of facts. As English is the language of trial, care needs to be taken to simplify it and to provide interpretation. Similarly, interpreters should be used during the investigation of crime, but with adequate safeguards since they will not be under public scrutiny as in a court.

There must at all times be equality under the law, and that equally must be clearly visible to all, in the sense of there being no discrimination against Aborigines. Equality, however, does not imply similarity, and there should be particular discriminations in favour of Aborigines in order to offset the disadvantages under which they often find themselves. For example, since attitudes as much as understanding affect the “small society” of the court room, there should be an adaptation of the trial procedure to the background and understanding of the Aborigine in question, or the court should be held at the site of the offence. Legal advice and representation by qualified persons acting independently of any Government department should be provided in cases of court proceedings. Some special provision may also be necessary for Aborigines in relation to educational and employment opportunities if assimilation is to proceed at any reasonable pace.

Political Education and Development.

The Federal and State Governments view the Aborigines as Australian citizens by virtue of the Nationality and Citizenship Act 1948-1960, although their rights and disabilities vary under the State and Territory statutes. There is, however, an urgent need for training these citizens (i) in awareness and knowledge of their legal rights and duties, (ii) in ways of redressing a wrong, or obtaining Workers’ Compensation, by litigation, (iii) in their rights and opportunities for belonging to political organisations and (iv) in the conduct of local affairs. The encouragement of political awareness is a pre-requisite to maturity, and proper training and opportunity is the only safeguard against a misuse of a newly acquired political freedom.